



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Ruben Sands, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, January 11, 2017

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Ruben Sands, Michelle Cooper Kelly and Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:03 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Michelle Cooper Kelly to give the invocation.

PLEDGE OF ALLEGIANCE:

Council member Kelly called upon the Marietta Center for Advanced Academics Student Council to give the Pledge of Allegiance.

Mayor and Council recognized the Marietta Center for Advanced Academics Student Council and presented them with a Certificate as Honorary Councilmembers.

PRESENTATIONS:

20161269

Presentation to The City of Marietta's Fleet Maintenance Division

Recognition of the City of Marietta's Fleet Maintenance Division for receiving

the highly coveted National Institute for Automotive Service Excellence's Blue Seal Shop Designation.

Presented

20161270 Presentation to Scott Lawler, Fleet Supervisor

Presentation to Scott Lawler, Fleet Supervisor with the City of Marietta, for receiving the Certified Public Fleet Professional certification with the American Public Works Association.

Presented

PROCLAMATIONS:

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE
MAYOR, COUNCIL AND/OR CITY MANAGER:**

SCHEDULED APPEARANCES:

20161307 Scheduled Appearance

Scheduled Appearance - Perry Price

Not Present

**CONSENT AGENDA: Consent agenda items are marked by an asterisk (*).
Consent items are approved by majority of council. A public hearing will be held
only for those items marked by an asterisk that require a public hearing (also noted
on agenda).**

Pro tem Johnny Walker briefly explained the consent agenda process.

A motion was made by Council member Chalfant, seconded by Council member Morris, to suspend the rules of order to add the following items to the agenda:

Motion accepting donation of right of way from The Sutton Group, LLC as shown on a deed on file with the City Clerk.

Motion authorizing acquisition of a portion of property at 820 N Marietta Pkwy from Carole K. Crowder, Successor Trustee of the Freddy L. Crowder Trust for the purpose of constructing Cobb Parkway N (US 41) at N Marietta Parkway (SR 120 ALT) Improvement Project in exchange for \$23,100.00.

Motion to authorize the acquisition of property owned by Artisan Enterprises, LLC on behalf of the City of Marietta by means of eminent domain.

The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add the new items to the consent agenda. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

City Attorney Doug Haynie noted the following changes to the consent agenda:

-under Mayor's Appointments: Agenda item 20170037, remained on the consent agenda and amended to add the expiration date January 11, 2018.

-under Ordinances: Agenda item 20161208 should show Council member Fleming abstaining.

-under Ordinances: Agenda item 20161207 was added to the consent agenda.

-under Ordinances: Agenda item 20161228 was added to the consent agenda and amended to read, "Motion to approve the rezoning from R-2 (Single Family Residential - 2 units/acre) to LI (Light Industrial) with a Special Land Use Permit for an automobile storage yard, for property located at 349 Kathleen Drive, with the following variances hereby incorporated as conditions of zoning:

- 1. Variance to allow automobile sales on a lot less than an acre.*
- 2. Variance to allow automobile sales within 50 feet from a property zoned for residential purposes.*
- 4. Variance to allow impervious surface to encroach within 50 feet of landscape buffer adjacent to residential property.*

-under Judicial/Legislative: Agenda item 20161282 remained on the consent agenda and amended to add section 1.4 GDCL, its administrators, executors, successors, heirs and assigns, shall provide notice annually to the City stating that the liability insurance covering the Detention Pond has been obtained.

-under Judicial/Legislative: Agenda item 20161196 was added to the consent agenda, as a motion to authorize advertisement, with Council member Goldstein opposed.

Mr. Haynie then opened the public hearing for those items on the consent agenda requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member Walker, seconded by Council member Sands, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

With the following exceptions:

Council member Fleming abstaining on agenda item 20161208.

Council member Goldstein voting against agenda items 20161196 and 20170039.

MINUTES:

- * **20161321** **Regular Minutes - December 14, 2016**
- Review and approval of the December 14, 2016 regular meeting minutes.
- This matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**

MAYOR’S APPOINTMENTS: (with the consent of Council)

- * **20170025** **Mayor Pro tem**
- Appointment of Michelle Cooper Kelly as Mayor Pro tem for a term of one year expiring on January 1, 2018.
- This matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20170026** **Presiding Officer**
- Appointment of Ruben Sands as Presiding Officer for a term of one year expiring on January 1, 2018.
- This matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20170027** **Economic/Community Development Committee**
- Appointment of G. A. (Andy) Morris as Chairman, Johnny Walker as Vice Chair and Grif Chalfant to the Economic/Community Development Committee for a term of one year expiring on January 1, 2018.
- This matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0** **Approved**
- * **20170028** **Finance/Investments Committee**
- Appointment of Stuart Fleming as Chairman, Grif Chalfant as Vice Chair and Michelle Cooper Kelly to the Finance/Investments Committee for a term of one year expiring on January 1, 2018.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20170029 Judicial/Legislative Committee**

Appointment of Philip M. Goldstein as Chairman, G. A. (Andy) Morris as Vice Chair and Stuart Fleming to the Judicial/Legislative Committee for a term of one year expiring on January 1, 2018.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20170030 Parks, Recreation & Tourism Committee**

Appointment of Michelle Cooper Kelly as Chairman, Stuart Fleming as Vice Chair and Ruben Sands to the Parks, Recreation and Tourism Committee for a term of one year expiring on January 1, 2018.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20170031 Personnel/Insurance Committee**

Appointment of Johnny Walker as Chairman, Ruben Sands as Vice Chair and Philip M. Goldstein to the Personnel/Insurance Committee for a term of one year expiring on January 1, 2018.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20170032 Public Safety Committee**

Appointment of Ruben Sands as Chairman, Michelle Cooper Kelly as Vice Chair and Johnny Walker to the Public Safety Committee for a term of one year expiring on January 1, 2018.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

*** 20170033 Public Works Committee**

Appointment of Griffin Lee Chalfant, Jr., as Chairman, Philip M. Goldstein as

Vice Chair and G. A. (Andy) Morris to the Public Works Committee for a term of one year expiring on January 1, 2018.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20170034 BLW Council Representative**

Appointment of Stuart Fleming as the council representative on the Board of Lights and Water (BLW) for a term of one year expiring on January 1, 2018.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20170035 Marietta Board of Education Council Liaison**

Appointment of Johnny Walker as the council liaison to the Marietta Board of Education for a one year term expiring on January 1, 2018.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20170036 Marietta Housing Authority Council Liaison**

Appointment of Ruben Sands as the council liaison to the Marietta Housing Authority for a term of one year expiring on January 1, 2018.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20170037 Council Liaison Appointments**

Consideration of council liaison appointments as designated:
Marietta Chamber/SPSU-KSU Merger - Griffin L. Chalfant, Jr.
Wellstar/Medical Community - G. A. (Andy) Morris
Lockheed/Military - Stuart Fleming
Schools Governance Teams (SGT) for Marietta High School - Michelle Kelly
Legislative - Philip M. Goldstein
Cobb/Douglas Board of Public Health - Mayor Steve Tumlin

Motion to approve the Council Liaison Appointments as presented, with an expiring term of January 11, 2018.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved as Amended

CITY COUNCIL APPOINTMENTS:

*** 20161291 Marietta Museum of History Appointment**

Consideration of a recommendation by the Museum of History Board to appoint Greg Masterson to the board, for a term expiring October 31, 2019.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

*** 20161316 Ethics Committee Appointment**

Appointment of David Dove to the Ethics Committee, as recommended by the Ethics Committee, for a term of two (2) years expiring January 11, 2019.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

ORDINANCES:

*** 20161208 Z2017-02 [REZONING] GDCI GA4, LP**

[Ord 7941](#)

Z2017-02 [REZONING] GDCI GA4, LP is requesting the rezoning of approximately 711 square feet located in Land Lot 1287, District 16, Parcel 2220, 2nd Section, Marietta, Cobb County, Georgia, and being known as a portion of 195 Easy Pines Way from PRD-MF (Planned Residential Development - Multi Family) to R-4 (Single Family Residential - 4 units / acre). Ward 1A.

Public hearing held during the consent agenda.

This matter was Approved on the Consent Agenda.

Vote: 6 – 0 – 1

Approved

Abstaining: Stuart Fleming

*** 20161212 Z2017-04 [REZONING] THERON WELCH (CY HEDRICK)**

[Ord 7937](#)

Z2017-04 [REZONING] THERON WELCH (CY HEDRICK) is requesting the rezoning of approximately 0.05 acres located in Land Lot 1148, District 16, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia, and being known as a portion of 290 Stewart Avenue from R-3 (Single Family Residential - 3 units/acre) to R-2 (Single Family Residential - 2 units/acre). Ward 4A.

Public hearing held during the consent agenda.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- * **20161207 Z2017-01 [REZONING & SPECIAL LAND USE PERMIT] BENTLEY COMMERCIAL PROPERTIES, LLC**

Ord 7940

Z2017-01 [REZONING & SPECIAL LAND USE PERMIT] BENTLEY COMMERCIAL PROPERTIES, LLC is requesting the rezoning and Special Land Use Permit for property located in Land Lot 505, District 17, Parcel 0450, 2nd Section, Marietta, Cobb County, Georgia, and being known as 344 Kathleen Drive, from LI (Light Industrial) to HI (Heavy Industrial) with a Special Land Use Permit for an automobile wrecking yard. Ward 7A.

Public hearing held during the consent agenda.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

- * **20161228 Z2017-05 [REZONING & SPECIAL LAND USE PERMIT] GEORGE E. BENTLEY**

Ord 7938

Z2017-05 [REZONING & SPECIAL LAND USE PERMIT] GEORGE E. BENTLEY is requesting the rezoning and Special Land Use Permit for property located in Land Lot 505, District 17, Parcel 0750, 2nd Section, Marietta, Cobb County, Georgia, and being known as 349 Kathleen Drive, from R-2 (Single Family Residential - 2 units/acre) to LI (Light Industrial) with a Special Land Use Permit for an automobile storage yard. Ward 7A

Motion to approve rezoning and Special Land Use Permit for property located at 349 Kathleen Drive, from R-2 (Single Family Residential - 2 units/acre) to LI (Light Industrial) with a Special Land Use Permit for an automobile storage yard, with the following variances hereby incorporated as conditions of zoning:

Variance to allow automobile sales on a lot less than an acre.

Variance to allow automobile sales within 50 feet from a property zoned for residential purposes.

Variance to allow impervious surface to encroach within 50 feet of landscape buffer adjacent to residential property.

Public hearing held during the consent agenda.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved as Amended

* **20161171** **CA2017-02 [CODE AMENDMENT]**

Ord 7939

CA2017-02 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 710, Supplementary District Regulations, paragraph 710.04, Fences and Walls.

Public hearing held during the consent agenda.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20161306** **Denial of Claim**

Denial of Claim for Austin Jason Aldridge

This matter was Approved to Deny Claim on the Consent Agenda.

Vote: 7 – 0 – 0

Approved to Deny Claim

* **20170038** **Denial of Claim**

Denial of Claim of Stevie Ray Anderson

This matter was Approved to Deny Claim on the Consent Agenda.

Vote: 7 – 0 – 0

Approved to Deny Claim

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: G. A. (Andy) Morris, Chairperson

2. Finance/Investment: Stuart Fleming, Chairperson

* **20161293** **National League of Cities (NLC)**

Motion approving travel and training for Mayor and Council members who wish to attend the National League of Cities (NLC) Congressional City Conference in Washington, DC, March 11-15, 2017.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

- * **20161294** **Donation to the Tree Preservation Fund by PRO Building Systems (Jim Ellis Audi Deck)**

Ord 7936

Ordinance approving an amendment to the Fiscal Year 2017 Tree Preservation Fund budget to receive and appropriate a donation from PRO Building Systems, Inc. (Jim Ellis Audi Deck).

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

- * **20161282** **Final Plat - Manget Phases III & IV**

Motion to approve of the final plat for Manget Phase 3 & 4, subject to the following conditions:

1. The attached Property Maintenance Contract between the applicant and the City of Marietta shall be completed and recorded prior to approval of the final plat. Further, the final plat shall contain a notation on the plat that all lots are subject to a property maintenance contract.
2. The applicant agrees to complete construction of the sidewalks and fencing, and will replant the landscape buffers, according to the approved plans prepared by the Marietta Parks and Recreation Department.

Motion to approved the Final Plat - Manget Phases III & IV, with the conditions as presented, with an amendment to the Property Maintenance Agreement adding section 1.4 GDCI, its administrators, executors, successors, heirs and assigns, shall provide notice annually to the City stating that the liability insurance has been obtained.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved as Amended

- * **20161283** **Revised Detailed Plan - Manget Phase IV**

Motion to approve the request by GDCI GA4, LP for a revised tree plan or Manget Phase IV. House elevations for the lots in Phase IV will be submitted to City Council at a later date.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20161289 City of Marietta 2017 General Election**

Ord 7934

Ordinance to provide for the establishment of qualifying fees for the office of Mayor and the office of Council for the city of Marietta, Georgia and to provide for the opening and closing dates for filing notice of candidacy by candidates.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

20161196 CA2017-03 [CODE AMENDMENT]

Ord 7946

CA2017-03 [CODE AMENDMENT] Proposal to amend Chapter 10-10-130, Domesticated Animals, of the Marietta Code of Ordinances; as well as the Comprehensive Development Code of the City of Marietta, Division 708.01 Single Family Residential/Agriculture - 1 unit/acre (R-1), Division 708.02 Single Family Residential - 2 units/acre (R-2), Division 708.03 Single Family Residential - 3 units/acre (R-3), Division 708.04 Single Family Residential - 4 units/acre (R-4), regarding Temporary/Conditional Uses Allowed by the Director, to allow for keeping chickens; and Division 724.02 Definitions of Terms.

This matter was Approved on the Consent Agenda.

Vote: 6 – 1 – 0

Approved for Advertisement

Voting Against: Philip M. Goldstein

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson

* **20161287 Kirby Park Development**

Motion approving the revised conceptual plan for Kirby Park and authorizing staff to proceed with construction documents and bidding based on approved redesign.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

5. Personnel/Insurance: Johnny Walker, Chairperson

6. Public Safety Committee: Ruben Sands, Chairperson

* **20161188 Intergovernmental Agreement on E-911 Service**

Review and approval of the new Intergovernmental agreement on E-911 with Cobb County.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20161280**

Resolution for the Cobb County Multi-Jurisdictional Hazard Mitigation

Review and approval of the updated Cobb County Multi-Jurisdictional Hazard Mitigation Plan (HMP).

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

* **20161290**

Revisions to MPD Policies

Approval of revisions to listed policies A030 (Code of Conduct), P015 (Video/Audio Recording Equipment), S040 (Organized Crime and Vice Control)

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0

Approved

7. Public Works Committee: Grif Chalfant, Chairperson

OTHER BUSINESS:

20160762

Charter Amendment related to Municipal Court Judges and Municipal Court Prosecuting Attorney

[Ord 7935](#)

Motion to approve the first reading of Amendment to the Charter for City of Marietta Section 4.11 entitled "Municipal Court," Section 6.2 entitled "Chief Judge, Associate Judges; Compensation; Oaths," and Section 6.6 entitled "Prosecuting Attorney."

First Reading.

Public Hearing.

Motion to approve the first reading of Amendment to the Charter for City of Marietta Section 4.11 entitled "Municipal Court," Section 6.2 entitled "Chief Judge, Associate Judges; Compensation; Oaths," and Section 6.6 entitled "Prosecuting Attorney", with an amendment on the second page last paragraph, which shall read, "The governing authority of the City of Marietta may make the appointment for up and including to a term of four (4) years if included in motion making the appointment."

Concern was expressed and comments made by Council member Goldstein.

Mayor Tumlin called for a vote on the original motion with the amendment.

The motion was made by Council member Chalfant, seconded by Council member Fleming, that this matter be Approved. The motion carried by the following vote:

Vote: 6 – 1 – 0 First Reading Approved

Voting Against: Philip M. Goldstein

* **20170039**

Letter to Cobb Delegation

Request for approval by Council of letter to Cobb Delegation in care of the honorable representatives and senators who have Marietta representation. Letter shall include attachments of certified referendum vote, verified copy of November 2016 action (including vote) by council, and Council action of 2015 of term limits. All to be presented in letter as consideration of term limits by our Cobb Legislative Council.

Requested by Mayor Tumlin.

This matter was Approved on the Consent Agenda.

Vote: 6 – 1 – 0 Approved

Voting Against: Philip M. Goldstein

* **20170043**

Voluntary Deposits into the Municipal Competitive Trust for Power Supply Year 2017

Motion to authorize the execution of the appropriate form regarding voluntary deposits into the Municipal Competitive Trust (MCT) for the year 2017 and selecting the Flexible Operating Account Short Term Portfolio.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20170044**

MEAG Off-System Energy Sales Margins Power Supply Year 2017

Motion authorizing the execution of the appropriate form regarding the election of MEAG Off-System Energy Sales Margins for the power supply year 2017 and selecting to credit my monthly MEAG Power bill with my entitled portion of each month's off-system energy sales margins.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20170005** **BLW Actions of January 9, 2017**

Approval of the January 9, 2017 actions and minutes of the Marietta Board of Lights and Water.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20170053** **341 Cobb Parkway N**

Motion to authorize the acquisition of property owned by Artisan Enterprises, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20170056** **Cobb Parkway N (US 41) at N Marietta Parkway (SR 120 ATL) Improvement Project**

Motion authorizing acquisition of the property at 820 N Marietta Parkway from Carole K. Crowder, Successor Trustee of the Freddy L. Crowder Trust for the purpose of constructing Cobb Parkway N (US 41) at N Marietta Parkway (SR 120 ALT) Improvement Project in exchange for \$23,100.00.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

* **20170062** **The Sutton Group, LLC**

Motion accepting donation of right of way from The Sutton Group, LLC as shown on a deed on file with the City Clerk.

This matter was Approved on the Consent Agenda.

Vote: 7 – 0 – 0 Approved

UNSCHEDULED APPEARANCES:

ADJOURNMENT:

The meeting was adjourned at 7:35 p.m.

Date Approved: February 8, 2017

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk